UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERICAN SOCIETY FOR THE
PREVENTION OF CRUELTY TO ANIMALS,

          Plaintiff,

          v.

THE ANIMAL AND PLANT HEALTH
INSPECTION SERVICE and THE UNITED
STATES DEPARTMENT OF AGRICULTURE,

          Defendants.

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19 Civ. 3112 (NRB)

[PROPOSED] ORDER

WHEREAS, on March 25, 2021, the Court issued a Memorandum and Order (the "Memorandum") granting in part and denying in part each of the cross-motions for summary judgment filed by American Society for the Prevention of Cruelty to Animals ("ASPCA") and defendants the Animal and Plant Health Inspection Service and the United States Department of Agriculture (together, "the Agencies") and granting the Agencies' motion for judgment on the pleadings, ECF No. 62;

WHEREAS, the Court has concluded that certain information, as identified in more detail in the Court's Memorandum, is not exempt under the Freedom of Information Act and should be disclosed. That information is contained in the following Bates-stamped documents: (1) 2018-APHIS-4902-F 000002, 000004, 000006; (2) 2019-APHIS-1263-F 000001-000004; (3) 2017-APHIS-3967-F 000769; (4) 2017-APHIS-6300-F 000369; (5) 2017-APHIS-6300-F 000370-000380; (6) 2017-APHIS-6300-F 000410-000412; (7) 2017-APHIS-6300-F 000451-000453; (8) 2017-APHIS-6300-F 001488-001492 (collectively, the "Records");
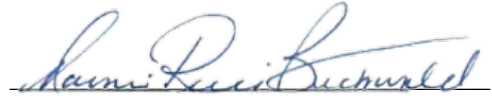
WHEREAS, the Agencies are in the process of considering whether or not to appeal the disclosure rulings, and any appeal would need to be authorized by the Acting Solicitor General, *see* 28 C.F.R. § 0.20(b); and

WHEREAS, Federal Rule of Appellate Procedure 4(a)(1)(B) and 28 U.S.C. § 2107(b) afford the United States and its agencies 60 days to file a notice of appeal;

NOW, THEREFORE, it is hereby ORDERED that if no notice of appeal is filed within 60 days of the date of this Order, the agencies shall produce the Records within 65 days of the date of this Order.

SO ORDERED.

Dated: April 16, 2021

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE